



PATENT  
03716-P0002B WWW/TMO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Gary S. Foster, <i>et al.</i>	
Serial No.: 09/930,918	Conf. No.: 2566	Filing Date: August 16, 2001
Title of Application:	Trading Party Profiles In System For Facilitating Trade Processing And Trade Management	
Group Art Unit: 3624	Examiner: Felten, Daniel S.	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

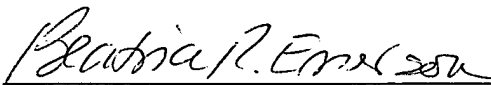
**Appeal Brief Under 37 CFR §41.37**

Dear Sir:

A Notice of Appeal from the final rejection of Claims 1-33, all pending claims of U.S. Patent Application No. 09/930,918, being filed herewith, Applicant accordingly files its Appeal Brief in connection with its appeal. A Claims Appendix is submitted herewith, as are Appendices related to evidence previously submitted and decisions related to the case.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as FIRST CLASS MAIL, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief – Patents; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

January 23, 2006

  
Beatrice R. Emerson

**(i) Real Party In Interest**

The real party in interest is Omgeo LLC, assignee of the present patent application.

**(ii) Related Appeals and Interferences**

There are no related Appeals or Interferences.

**(iii) Status Of Claims**

Claims 1-33, all pending claims of the present application, stand rejected and are the subject of the instant Appeal. A copy of each of these claims is attached hereto in the Claims Appendix.

**(iv) Status Of Amendments**

There are no pending or unentered Amendments. Applicant has not filed any Amendments after the mailing of the Final Office Action dated December 5, 2005.

**(v) Summary Of Claimed Subject Matter**

Claims 1, 12, 18 and 22 are the independent claims.

Independent Claim 1

Claim 1 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0030, 0031 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and which trade execution information 28, 42 includes a first trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. Trade allocation information 30, 44 is received by the computer 26, which trade allocation information 30, 44 is indicative of an ordered trade by a second trading party 18, and which trade allocation information 30, 44 includes a second trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. A database 50 of trading party profiles is accessible by the computer 26, and software executing on the computer 26 is provided for retrieving from the database 50 a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification. See, e.g., Spec. ¶¶ 0033-0037 and Figs. 1, 3. The first trading party profile includes an indication of enrichment options for the first trading party 12 and the second trading party profile includes an indication of enrichment options for the second trading party 18. See, e.g., Spec. ¶¶ 0038-0039 and Figs. 1, 3. The system 10 also includes a plurality of enrichment databases 56 having enrichment data stored thereon, and software executing on the computer 26 for enriching the trade execution information with enrichment data retrieved from the plurality of enrichment databases

56 in accordance with the enrichment options of the first trading party profile and for enriching the trade allocation information with enrichment data retrieved from the plurality of enrichment databases 56 in accordance with the enrichment options of the second trading party profile. See, e.g., Spec. ¶¶ 0038-0039 and Figs. 1, 3.

#### Independent Claim 12

Claim 12 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0030, 0031 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and which trade execution information 28, 42 includes a first trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. Trade allocation information 30, 44 is received by the computer 26, which trade allocation information 30, 44 is indicative of an ordered trade by a second trading party 18, and which trade allocation information 30, 44 includes a second trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. A database 50 of trading party profiles is accessible by the computer 26, and software executing on the computer 26 is provided for retrieving from the database 50 a first trading party profile based on the first trading party identification and upon trade criteria and a second trading party profile based on the second trading party identification and upon trade criteria. See, e.g., Spec. ¶¶ 0033-0037 and Figs. 1, 3. A set of predefined acceptable trade parameters are

extracted from the first trading party profile and the second trading profile, and software executing on the computer 26 compares the trade execution information with the trade allocation information, and determines that a match exists if the trade execution information and the trade allocation information correlate within the set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033-0037, 0040 and Figs. 1, 3.

#### Independent Claim 18

Claim 18 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0030, 0031 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and which trade execution information 28, 42 includes a first trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. Trade allocation information 30, 44 is received by the computer 26, which trade allocation information 30, 44 is indicative of an ordered trade by a second trading party 18, and which trade allocation information 30, 44 includes a second trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. A database 50 of trading party profiles is accessible by the computer 26, and software executing on the computer 26 is provided for retrieving from the database 50 a first trading party profile based on the first trading party identification and upon trade criteria and a second trading party profile based on the second trading party identification and upon trade criteria. See, e.g., Spec. ¶¶

0033-0037 and Figs. 1, 3. At least one of the first trading party profile and said second party profile include an indication for a timer to be set and an indication of a specified time period for the timer. See, e.g., Spec. ¶¶ 0044-0046 and Figs. 1, 3. A set of predefined acceptable trade parameters are extracted from the first trading party profile and the second trading profile, and software executing on the computer 26 compares the trade execution information with the trade allocation information, and determines that a match exists if the trade execution information and the trade allocation information correlate within the set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033-0037, 0040 and Figs. 1, 3. Software executing on the computer 26 is also provided for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification 94 to at least one of the first trading party 12 and the second trading party 18 indicating that no match has been found to exist. See, e.g., Spec. ¶¶ 0042, 0044-0046 and Figs. 1, 3, 4.

#### Independent Claim 22

Claim 22 is directed to a system 10 for facilitating the processing and management of a securities trade which includes a computer 26. See, e.g., Spec. ¶¶ 0030, 0031 and Fig. 1. Trade execution information 28, 42 is received by the computer 26, which trade execution information 28, 42 is indicative of an executed trade by a first trading party 12, and which trade execution information 28, 42 includes a first trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. Trade allocation

information 30, 44 is received by the computer 26, which trade allocation information 30, 44 is indicative of an ordered trade by a second trading party 18, and which trade allocation information 30, 44 includes a second trading party identification. See, e.g., Spec. ¶¶ 0030, 0033 and Figs. 1, 2, 3. A database 50 of trading party profiles is accessible by the computer 26, and software executing on the computer 26 is provided for retrieving from the database 50 a first trading party profile based on the first trading party identification and upon trade criteria and a second trading party profile based on the second trading party identification and upon trade criteria. See, e.g., Spec. ¶¶ 0033-0037 and Figs. 1, 3. The first trading party profile includes an indication of enrichment options for the first trading party 12 and the second trading party profile includes an indication of enrichment options for the second trading party 18. See, e.g., Spec. ¶¶ 0038-0039 and Figs. 1, 3. At least one of the first trading party profile and said second party profile include an indication for a timer to be set and an indication of a specified time period for the timer. See, e.g., Spec. ¶¶ 0044-0046 and Figs. 1, 3. The system 10 also includes a plurality of enrichment databases 56 having enrichment data stored thereon, and software executing on the computer 26 for enriching the trade execution information with enrichment data retrieved from the plurality of enrichment databases 56 in accordance with the enrichment options of the first trading party profile and for enriching the trade allocation information with enrichment data retrieved from the plurality of enrichment databases 56 in accordance with the enrichment options of the second trading party profile. See, e.g., Spec. ¶¶ 0038-0039 and Figs. 1, 3. A set of

predefined acceptable trade parameters are extracted from the first trading party profile and the second trading profile, and software executing on the computer 26 compares the trade execution information with the trade allocation information, and determines that a match exists if the trade execution information and the trade allocation information correlate within the set of predefined acceptable trade parameters. See, e.g., Spec. ¶¶ 0033-0037, 0040 and Figs. 1, 3. Software executing on the computer 26 is also provided for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification 94 to at least one of the first trading party 12 and the second trading party 18 indicating that no match has been found to exist. See, e.g., Spec. ¶¶ 0042, 0044-0046 and Figs. 1, 3, 4.

#### **(vi) Grounds Of Rejection To Be Reviewed On Appeal**

Claims 1-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 5,497,317) in view of Cornelius et al. (US 6,629,081).

#### **(vii) Argument**

Claims 1-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US 5,497,317) in view of Cornelius et al. (US 6,629,081). Applicant respectfully traverses this rejection for the reasons stated below with respect to each claim.



First, Applicant points out that even assuming that all of the statements made by the Examiner were completely accurate (which Applicant believes is not the case for the reasons discussed below), the Examiner would still only have made a prima facie showing of unpatentability of Claim 1. This is true because only Claim 1 is limited to the elements which the Examiner contends are disclosed, taught or suggested by the cited prior art.

Each of Claims 2-11, which depend either directly or indirectly from Claim 1, add further limitations thereto, as set forth in detail below. As such, the requirements of these claims must be considered because it is improper to fail to consider any limitation in the claims. In re Geerdes, 491 F.2d 1260, 1262, 180 U.S.P.Q. 789, the 791 (CCPA 1974) ("every limitation in the claim must be given effect rather than considering one in isolation from the others"). The Examiner has made no prima facie showing that the elements of these dependent Claims are disclosed, taught or suggested by any prior art reference, and indeed Applicant respectfully submits that the Examiner cannot do so, as these claims all distinguish the prior art.

Moreover, as discussed more fully below, each of independent Claims 12, 18 and 22 require elements which the Examiner has apparently not considered, and with respect to which the Examiner has made absolutely no prima facie showing of unpatentability. Thus, all of Claims 2-33 require material elements which the Examiner

has not cited as being disclosed, taught or suggested by any of the cited prior art, thereby clearly failing to make a prima facie showing of unpatentability with respect to these claims.

### Independent Claim 1

With respect to independent Claim 1, this claim requires, among other limitations, the following:

...said first trading party profile comprising an indication of enrichment options for said first trading party and said second trading party profile comprising an indication of enrichment options for said second trading party;

a plurality of enrichment databases having enrichment data stored thereon; and

software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

(emphasis added). However, Applicant respectfully submits that neither of the prior art references cited by the Examiner disclose, teach or suggest in any way at least the above-highlighted elements.

With respect to Hawkins, the Examiner has explicitly recognized that this reference does not disclose the highlighted elements, and instead cites Hawkins as

disclosing various other elements of Claim 1. Instead, the Examiner cites Cornelius as disclosing the above-highlighted elements. Applicant respectfully disagrees.

Cornelius discloses a system, method and article of manufacture for account settlement utilizing a network. First, a buyer is allowed to select from a group of options in order to settle an account utilizing a network. The options include settling a minimum balance, partially settling, settling a full balance, and applying for an import loan on payment due date. The selected option is then received utilizing the network. Finance interest may then be booked against the buyer for an unpaid portion of the account if the selected option includes either settling a minimum balance or partially settling. If the selected option includes settling a full balance, the account may be reconciled. On the other hand, if the selected option includes applying for an import loan on payment due date, an import loan may be booked and a credit line may be transferred to a trade loan line. However, Applicant cannot locate any disclosure whatsoever in Cornelius of trading party profiles which include an indication of enrichment options, enrichment databases having enrichment data stored thereon, and/or software for enriching trade information with enrichment data retrieved from the enrichment databases in accordance with the enrichment options of the trading party profiles.

Applicant respectfully submits that the portions of Cornelius cited by the Examiner disclose nothing which could even be reasonably argued as being equivalent

to the above-highlighted elements of Claim 1. Specifically, the Abstract (paraphrased above) and column 3, lines 31-54 provide a concise description of operation of the Cornelius system overall, column 11, lines 29-54 briefly set forth an exemplary hardware platform for the Cornelius system, and column 27, lines 30-63 describe characteristics of the markets in which the Cornelius system is preferably used.

Applicant respectfully submits that trading party profiles which include an indication of enrichment options, enrichment databases having enrichment data stored thereon, and/or software for enriching trade information with enrichment data retrieved from the enrichment databases in accordance with the enrichment options of the trading party profiles are not even hinted at.

In view of the above, Applicant respectfully submits that since neither Hawkins nor Cornelius discloses, teaches or suggests in any way any of the above-highlighted elements of Claim 1, no combination of the references could anticipate or render obvious this claim.

#### Dependent Claim 2

In addition to the limitations of Claim 1, Claim 2 requires, among other limitations, (i) a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile; and software executing on the computer for comparing the trade execution information with the trade allocation

information, and for determining that a match exists if the trade execution information and the trade allocation information correlate within the set of predefined acceptable trade parameters.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 2, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile, or software for determining that a match exists if trade execution information and trade allocation information correlate within the set of predefined acceptable trade parameters.

#### Dependent Claim 3

In addition to the limitations of Claim 1, Claim 3 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of what enrichment data should be used to enrich the trade execution information and the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 3, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options comprise indications of what enrichment data should be used to enrich trade execution information and trade allocation information.

#### Dependent Claim 4

In addition to the limitations of Claim 3, Claim 4 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of where the enrichment data which should be used to enrich the trade execution information and the trade allocation information is located.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point

out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 4, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options comprise indications of where the enrichment data which should be used to enrich the trade execution information and the trade allocation information is located.

#### Dependent Claim 5

In addition to the limitations of Claim 1, Claim 5 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on both the first trading party identification and the second trading party identification.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 5, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never

mind that such enrichment options are dependent on both the first trading party identification and the second trading party identification.

#### Dependent Claim 6

In addition to the limitations of Claim 1, Claim 6 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on a type of trade being executed.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 6, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options are dependent on a type of trade being executed.

#### Dependent Claim 7

In addition to the limitations of Claim 1, Claim 7 requires, among other limitations, software executing on the computer for allowing the first trading party to



access, modify and confirm the enrichment options of the first trading party profile and for allowing the second trading party to access, modify and confirm the enrichment options of the second trading party profile.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 7, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind software for allowing the trading parties to access, modify and confirm the enrichment options of their respective trading party profiles.

#### Dependent Claim 8

In addition to the limitations of Claim 1, Claim 8 requires, among other limitations, software executing on the computer for allowing the first trading party and the second trading party to access, modify and confirm the enrichment databases.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or

when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 8, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment databases, never mind software for allowing the trading parties to access, modify and confirm enrichment databases.

Dependent Claim 9

In addition to the limitations of Claim 1, Claim 9 requires, among other limitations, software executing on the computer for allowing parties other than the first trading party and the second trading party to access, modify and confirm the enrichment databases.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 9, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment databases, never mind software for allowing parties other than the trading parties to access, modify and confirm enrichment databases.

Dependent Claim 10

In addition to the limitations of Claim 1, Claim 10 requires limitations similar to those required by independent Claim 12, discussed below. Applicant respectfully submits that the limitations of Claim 10 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 1 and also the reasons discussed below with respect to independent Claim 12.

Dependent Claim 11

In addition to the limitations of Claim 1, Claim 11 requires limitations similar to those required by independent Claim 18, discussed below. Applicant respectfully submits that the limitations of Claim 11 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 1 and also the reasons discussed below with respect to independent Claim 18.

Independent Claim 12

With respect to independent Claim 12, this claim requires, among other limitations, the following:

...software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria...

(emphasis added). These highlighted elements are important in that, as discussed in detail in Paragraph [0035] of the present application, such a design allows streamlined access to multiple trading party profiles for each party and selection of the specific trading party profile required based upon attributes of the trade itself. However, none of the cited prior art discloses, teaches or suggests in any way (and in fact the Examiner does not cite any prior art as disclosing, teaching or suggesting in any way) that trading party profiles can be retrieved based upon the trading party identification and upon trade criteria.

#### Dependent Claim 13

In addition to the limitations of Claim 12, Claim 13 requires, among other limitations, that the trade criteria is extracted from the trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 13, other than to point out that neither Hawkins nor Cornelius discloses, teaches or

suggests in any way “trade criteria” within the meaning of Claim 13, never mind that the trade criteria is extracted from the trade execution information.

#### Dependent Claim 14

In addition to the limitations of Claim 12, Claim 14 requires, among other limitations, that the trade criteria is extracted from the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 14, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way “trade criteria” within the meaning of Claim 14, never mind that the trade criteria is extracted from the trade allocation information.

#### Dependent Claim 15

In addition to the limitations of Claim 12, Claim 15 requires, among other limitations, that the trade criteria is extracted from both the trade execution information and the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 15, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way “trade criteria” within the meaning of Claim 15, never mind that the trade criteria is extracted from both the trade execution information and the trade allocation information.

#### Dependent Claim 16

In addition to the limitations of Claim 12, Claim 16 requires limitations similar to those required by independent Claim 1, discussed above. Applicant respectfully submits that the limitations of Claim 16 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 12 and also the reasons discussed above with respect to independent Claim 1.

#### Dependent Claim 17

In addition to the limitations of Claim 12, Claim 17 requires limitations similar to those required by independent Claim 18, discussed below. Applicant respectfully submits that the limitations of Claim 17 are not disclosed, taught or suggested by the

cited prior art for the reasons discussed above with respect to independent Claim 12 and also the reasons discussed below with respect to independent Claim 18.

#### Independent Claim 18

With respect to independent Claim 18, this claim requires, among other limitations, the following:

...software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification, at least one of said first trading party profile and said second party profile comprising an indication for a timer to be set and an indication of a specified time period for the timer;... and

software executing on said computer for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

(emphasis added). However, again, none of the cited prior art discloses, teaches or suggests in any way (and in fact the Examiner does not cite any prior art as disclosing, teaching or suggesting in any way) such a timer indication or period specified in the trading party profile, and/or the use of such a timer in determining when and if to send a notification.

#### Dependent Claim 19

In addition to the limitations of Claim 18, Claim 19 requires, among other limitations, software executing on the computer for allowing the first trading party to

access, modify and confirm the first trading party profile and for allowing the second trading party to access, modify and confirm the second trading party profile.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 19, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way software which allows the trading parties to access, modify and confirm their respective trading party profiles.

#### Dependent Claim 20

In addition to the limitations of Claim 18, Claim 20 requires limitations similar to those required by independent Claim 1, discussed above. Applicant respectfully submits that the limitations of Claim 20 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 18 and also the reasons discussed above with respect to independent Claim 1.



Dependent Claim 21

In addition to the limitations of Claim 18, Claim 21 requires limitations similar to those required by independent Claim 12, discussed above. Applicant respectfully submits that the limitations of Claim 21 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 18 and also the reasons discussed above with respect to independent Claim 12.

Independent Claim 22

With respect to independent Claim 22, this claim requires all of the highlighted elements discussed above with respect to independent Claim 1, independent Claim 12 and independent Claim 18. As such, Applicant respectfully submits that the limitations of Claim 22 are not disclosed, taught or suggested by the cited prior art for the reasons discussed above with respect to independent Claim 1 and also the reasons discussed above with respect to independent Claim 12 and also the reasons discussed above with respect to independent Claim 18.

Dependent Claim 23

In addition to the limitations of Claim 22, Claim 23 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of what

enrichment data should be used to enrich the trade execution information and the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 23, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options comprise indications of what enrichment data should be used to enrich trade execution information and trade allocation information.

#### Dependent Claim 24

In addition to the limitations of Claim 23, Claim 24 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of where the enrichment data which should be used to enrich the trade execution information and the trade allocation information is located.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 24, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options comprise indications of where the enrichment data which should be used to enrich the trade execution information and the trade allocation information is located.

#### Dependent Claim 25

In addition to the limitations of Claim 22, Claim 25 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on both the first trading party identification and the second trading party identification.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in

combination, Applicant does not know how to respond to the rejection of Claim 25, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options are dependent on both the first trading party identification and the second trading party identification.

Dependent Claim 26

In addition to the limitations of Claim 22, Claim 26 requires, among other limitations, that the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on a type of trade being executed.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 26, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind that such enrichment options are dependent on a type of trade being executed.

Dependent Claim 27

In addition to the limitations of Claim 22, Claim 27 requires, among other limitations, software executing on the computer for allowing the first trading party to access, modify and confirm the enrichment options of the first trading party profile and for allowing the second trading party to access, modify and confirm the enrichment options of the second trading party profile.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 27, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment options contained in first or second trading party profiles, never mind software for allowing the trading parties to access, modify and confirm the enrichment options of their respective trading party profiles.

Dependent Claim 28

In addition to the limitations of Claim 22, Claim 28 requires, among other limitations, software executing on the computer for allowing the first trading party and the second trading party to access, modify and confirm the enrichment databases.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 28, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment databases, never mind software for allowing the trading parties to access, modify and confirm enrichment databases.

Dependent Claim 29

In addition to the limitations of Claim 22, Claim 29 requires, among other limitations, software executing on the computer for allowing parties other than the first trading party and the second trading party to access, modify and confirm the enrichment databases.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 29, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way enrichment databases, never mind software for allowing parties other than the trading parties to access, modify and confirm enrichment databases.

#### Dependent Claim 30

In addition to the limitations of Claim 22, Claim 30 requires, among other limitations, that the trade criteria is extracted from the trade execution information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 30, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way “trade criteria” within the meaning of Claim 30, never mind that the trade criteria is extracted from the trade execution information.

Dependent Claim 31

In addition to the limitations of Claim 22, Claim 31 requires, among other limitations, that the trade criteria is extracted from the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 31, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way “trade criteria” within the meaning of Claim 31, never mind that the trade criteria is extracted from the trade allocation information.

Dependent Claim 32

In addition to the limitations of Claim 22, Claim 32 requires, among other limitations, that the trade criteria is extracted from both the trade execution information and the trade allocation information.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or



when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 32, other than to point out that neither Hawkins nor Cornelius discloses, teaches or suggests in any way “trade criteria” within the meaning of Claim 32, never mind that the trade criteria is extracted from both the trade execution information and the trade allocation information.

#### Dependent Claim 33

In addition to the limitations of Claim 22, Claim 33 requires, among other limitations, software executing on the computer for allowing the first trading party to access, modify and confirm the first trading party profile and for allowing the second trading party to access, modify and confirm the second trading party profile.

Applicant respectfully submits that none of the above-highlighted limitations are disclosed, taught or suggested in any way by the cited prior art, either taken alone or when combined. In view of the fact that the Examiner has not even attempted to point out how the limitations in question are met by any of the cited prior art, either alone or in combination, Applicant does not know how to respond to the rejection of Claim 33, other than to point out that neither Hawkins nor Cornelius discloses, teaches or

suggests in any way software which allows the trading parties to access, modify and confirm their respective trading party profiles.

**Conclusion**

For the foregoing reasons, Applicant respectfully submits that the claimed invention embodied in each of claims 1-33 is patentable over the cited prior art. As such, Applicant respectfully requests that the rejections of each of claims 1-33 be reversed and the Examiner be directed to issue a Notice of Allowance allowing each of claims 1-33.

Respectfully submitted,

January 23, 2006

Todd M. Oberdick  
Wesley W. Whitmyer, Jr., Registration No. 33,558  
Todd M. Oberdick, Registration No. 44,268  
Attorneys for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Attorneys for Applicant-Appellant

**Claims Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/930,918**

1. (original) A system for facilitating the processing and management of a securities trade comprising:

a computer;

trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party, and comprising a first trading party identification;

trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification;

a database of trading party profiles accessible by said computer;

software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification, said first trading party profile comprising an indication of enrichment options for said first trading party and said second trading party profile comprising an indication of enrichment options for said second trading party;

a plurality of enrichment databases having enrichment data stored thereon; and

software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases

in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

2. (original) The system of Claim 1 further comprising:

a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile; and

software executing on said computer for comparing said trade execution information with said trade allocation information, and for determining that a match exists if said trade execution information and said trade allocation information correlate within said set of predefined acceptable trade parameters.

3. (original) The system of Claim 1 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of what enrichment data should be used to enrich said trade execution information and said trade allocation information.

4. (original) The system of Claim 3 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of where the enrichment data which should be used to enrich said trade execution information and said trade allocation information is located.

5. (original) The system of Claim 1 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on both the first trading party identification and the second trading party identification.

6. (original) The system of Claim 1 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on a type of trade being executed.

7. (original) The system of Claim 1 further comprising software executing on said computer for allowing the first trading party to access, modify and confirm the enrichment options of the first trading party profile and for allowing the second trading party to access, modify and confirm the enrichment options of the second trading party profile.

8. (original) The system of Claim 1 further comprising software executing on said computer for allowing the first trading party and the second trading party to access, modify and confirm said enrichment databases.

9. (original) The system of Claim 1 further comprising software executing on said computer for allowing parties other than the first trading party and the second trading party to access, modify and confirm said enrichment databases.

10. (original) The system of Claim 1 wherein said software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification comprises software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria.

11. (original) The system of Claim 2 wherein at least one of said first trading party profile and said second party profile further comprises an indication for a timer to be set and an indication of a specified time period for the timer, and further comprising software executing on said computer for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

12. (original) A system for facilitating the processing and management of a securities trade comprising:

a computer;

trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party, and comprising a first trading party identification;

trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification;

a database of trading party profiles accessible by said computer;

software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria;

a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile; and

software executing on said computer for comparing said trade execution information with said trade allocation information, and for determining that a match exists if said trade execution information and said trade allocation information correlate within said set of predefined acceptable trade parameters.

13. (original) The system of Claim 12 wherein the trade criteria is extracted from the trade execution information.

14. (original) The system of Claim 12 wherein the trade criteria is extracted from the trade allocation information.

15. (original) The system of Claim 12 wherein the trade criteria is extracted from both the trade execution information and the trade allocation information.

16. (original) The system of Claim 12 wherein said first trading party profile comprises an indication of enrichment options for said first trading party and said second trading party profile comprises an indication of enrichment options for said second trading party, and further comprising:

a plurality of enrichment databases having enrichment data stored thereon; and  
software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

17. (original) The system of Claim 12 wherein at least one of said first trading party profile and said second party profile further comprises an indication for a timer to be set and an indication of a specified time period for the timer, and further comprising software executing on said computer for generating and transmitting, if no match is



found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

18. (original) A system for facilitating the processing and management of a securities trade comprising:

- a computer;

- trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party, and comprising a first trading party identification;

- trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification;

- a database of trading party profiles accessible by said computer;

- software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification, at least one of said first trading party profile and said second party profile comprising an indication for a timer to be set and an indication of a specified time period for the timer;

- a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile;

software executing on said computer for comparing said trade execution information with said trade allocation information, and for determining that a match exists if said trade execution information and said trade allocation information correlate within said set of predefined acceptable trade parameters; and

software executing on said computer for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

19. (original) The system of Claim 18 further comprising software executing on said computer for allowing the first trading party to access, modify and confirm the first trading party profile and for allowing the second trading party to access, modify and confirm the second trading party profile.

20. (original) The system of Claim 18 wherein said first trading party profile further comprises an indication of enrichment options for said first trading party and said second trading party profile further comprises an indication of enrichment options for said second trading party, and further comprising:

a plurality of enrichment databases having enrichment data stored thereon; and  
software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for

enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

21. (original) The system of Claim 18 wherein said software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification comprises software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria.

22. (original) A system for facilitating the processing and management of a securities trade comprising:

- a computer;

- trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party, and comprising a first trading party identification;

- trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification;

- a database of trading party profiles accessible by said computer;

software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria, said first trading party profile comprising an indication of enrichment options for said first trading party and said second trading party profile comprising an indication of enrichment options for said second trading party, and at least one of said first trading party profile and said second party profile further comprising an indication for a timer to be set and an indication of a specified time period for the timer;

a plurality of enrichment databases having enrichment data stored thereon;

software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile;

a set of predefined acceptable trade parameters extracted from the first trading party profile and the second trading profile;

software executing on said computer for comparing said trade execution information with said trade allocation information, and for determining that a match exists if said trade execution information and said trade allocation information correlate within said set of predefined acceptable trade parameters; and

software executing on said computer for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

23. (original) The system of Claim 22 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of what enrichment data should be used to enrich said trade execution information and said trade allocation information.

24. (original) The system of Claim 23 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile comprise indications of where the enrichment data which should be used to enrich said trade execution information and said trade allocation information is located.

25. (original) The system of Claim 22 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on both the first trading party identification and the second trading party identification.

26. (original) The system of Claim 22 wherein the enrichment options of the first trading party profile and the enrichment options of the second trading party profile are dependent on a type of trade being executed.

27. (original) The system of Claim 22 further comprising software executing on said computer for allowing the first trading party to access, modify and confirm the enrichment options of the first trading party profile and for allowing the second trading party to access, modify and confirm the enrichment options of the second trading party profile.

28. (original) The system of Claim 22 further comprising software executing on said computer for allowing the first trading party and the second trading party to access, modify and confirm said enrichment databases.

29. (original) The system of Claim 22 further comprising software executing on said computer for allowing parties other than the first trading party and the second trading party to access, modify and confirm said enrichment databases.

30. (original) The system of Claim 22 wherein the trade criteria is extracted from the trade execution information.

31. (original) The system of Claim 22 wherein the trade criteria is extracted from the trade allocation information.

32. (original) The system of Claim 22 wherein the trade criteria is extracted from both the trade execution information and the trade allocation information.

33. (original) The system of Claim 22 further comprising software executing on said computer for allowing the first trading party to access, modify and confirm the first trading party profile and for allowing the second trading party to access, modify and confirm the second trading party profile.

**Evidence Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/930,918**

No evidence of any kind, including evidence submitted under 37 CFR 1.130, 1.131 or 1.132, has been entered by the Examiner and relied upon by Appellant in the appeal.



Appeal Brief Under 37 C.F.R. §41.37  
Serial No. 09/930,918  
Page 49

**Related Proceedings Appendix  
to Appeal Brief Under 37 CFR §41.37  
Serial No. 09/930,918**

There are no related Appeals or Interferences. As such, there are no decisions rendered by a court or the Board in any such Appeals or Interferences.